

37 Am. Jur. 2d Fraud and Deceit § 160

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Fraud and Deceit

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IV. False Representations

G. Representations and Statements as to Particular Matters

2. Title, Location, Quantity, and Quality of Property

b. Location, Boundaries, or Identity

§ 160. Sales; representations by vendor

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Fraud](#)  [27](#), [28](#)

Forms

[Am. Jur. Pleading and Practice Forms, Fraud and Deceit §§ 161, 162](#) (Complaint, petition, or declaration—For damages—Misrepresentation as to acreage and boundaries of real property)

As a general rule, a charge of fraud may be based upon misrepresentations by the vendor of land as to the location, boundaries, or identity of the land, and such misrepresentations may support an action of deceit or constitute ground for rescinding the contract.¹ This rule has been applied where a vendor either intentionally or, assuming to act on personal knowledge, falsely points out certain lines as the true boundaries² where a vendor who claims personal knowledge misrepresents the location³ or misrepresents the location positively with the intent that the representations shall be relied on,⁴ and where a vendor falsely represents that certain land is included in the tract disposed of.⁵

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Footnotes

- 1 Andrus v. St. Louis Smelting & Refining Co., 130 U.S. 643, 9 S. Ct. 645, 32 L. Ed. 1054 (1889); Lanning
- 2 v. Sprague, 71 Idaho 138, 227 P.2d 347 (1951); Blanke v. Miller, 364 Mo. 797, 268 S.W.2d 809 (1954).
- 3 Lanning v. Sprague, 71 Idaho 138, 227 P.2d 347 (1951).
- 4 Warren v. Hugo Scherer Estate, 272 Mich. 254, 261 N.W. 319 (1935).
- 5 Davis v. Lee, 52 Wash. 330, 100 P. 752 (1909).
- Arnold v. Campbell, 265 Ky. 485, 97 S.W.2d 32 (1936).

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